



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 15, 2014 LOCAL EFFECTIVE DATE August 29, 2014 APPROX FINAL EFFECTIVE DATE September 19, 2014	CONTACT/PHONE Morgan Torell/Project Manager (805) 781-5113 mtorell@co.slo.ca.us	APPLICANT Chris and Kyra Kitts	FILE NO. DRC2013-00089
SUBJECT Hearing to consider a request by Chris & Kyra Kitts for a Minor Use Permit / Coastal Development Permit to allow the following: demolition of an existing deck/carport and sunroom, an addition of a 550 square foot garage with a 660 square foot bedroom and bathroom located above the garage (on the second floor), and a 210 square foot deck. The project will result in the disturbance of approximately 1,100 square feet of a 1.21 acre parcel. The proposed project is within the Residential Single Family land use category and is located at the corner of Quail Lane and Bayview Heights Drive at 1340 Bayview Heights Drive, in the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00089 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption (Sections 15303) was issued on June 27, 2014 (ED13-261).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archaeologically Sensitive Area, Local Coastal Program, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-325-036	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Drainage, On-Site Wastewater Disposal, and Height Limitations. <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Archaeologically Sensitive Area, Setbacks, Parking Spaces, Driveway Design, Coastal Appealable Zone, Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/ Residence <i>East:</i> Residential Single Family / Residence <i>South:</i> Residential Single Family / Residence <i>West:</i> Residential Single Family / Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Los Osos Community Services District, Public Works, Building Division, CDF, California Coastal Commission, and the Native American Heritage Commission.	
TOPOGRAPHY: Nearly Level	VEGETATION: Native Oaks, Pines, Acacia Trees
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: June 13, 2014
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

DISCUSSION:

The site is developed with a single family residence, built in 1977. The applicant is proposing to demolish a carport/deck and sunroom attached to an existing residence and construct the following addition: a new 550 square foot garage, a 660 square foot bedroom and bathroom above the garage (on the second floor), and a 210 square foot deck. The parcel is approximately 1.2 acres. The project will result in the disturbance of approximately 1,100 square feet on the parcel. The project site is located at 1340 Bayview Heights Drive in the community of Los Osos. Adjacent properties are within the Residential Single Family land use category and are developed with residential single family structures. The existing home uses an on-site septic system.

PLANNING AREA STANDARDS:

Los Osos Lowland Areas-Drainage Plan Requirement. In areas designated in Figure 7-40, all land use permit applications for new structures or additions to the ground floor of existing structures shall require drainage plan approval pursuant to Coastal Zone Land Use Ordinance Sections 23.05.040 et seq. unless the County Engineer determines that the individual project site is not subject to or will not create drainage problems.

Staff Comments: The property is located in an area that requires preparation of a drainage plan. Submittal of a drainage plan will be required prior to issuance of building permits per Condition #8.

On-Site Wastewater Disposal. New development using on-site wastewater disposal systems shall protect coastal water quality and meet the requirements of the Regional Water Quality Control Board.

Staff Comments: In 1988, the California Regional Water Quality Control Board imposed a moratorium on new sources of sewage discharge in most of the community of Los Osos. This parcel is not included within the moratorium area. Prior to building permit issuance or final inspection of the wastewater system, the septic system will be evaluated for compliance with the County Plumbing Code / Central Coast Basin Plan and the Regional Water Quality Control Board requirements.

Height Limitations. Maximum height shall be 28 feet.

Staff Comments: The project is consistent with this standard. The proposed height of the addition is approximately 24 feet.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

23.07.104 - Archaeologically Sensitive Areas. The project is within a mapped Archaeologically Sensitive Area.

Staff Comments: The proposed project includes demolition of a carport/deck and sunroom in an already disturbed area and the addition of a 550 square foot garage on the first floor, a 660 square foot bedroom and bathroom on the second floor, and 210 square foot deck to an existing home. The lot (including the area of new addition) was previously disturbed when the existing home was constructed and a concrete patio was poured. In the event that archaeological resources are unearthed or discovered during the construction phase, the project shall be subjected to Condition #13 in Exhibit B.

23.04.100 - Setbacks: Required setbacks for single family residences are as follows:

Front Setback - 25 feet, Side Setback - 10 percent of the lot width and a minimum of 30 feet, Rear Setback - 30 feet.

Staff Comments: The project meets the minimum setback requirements.

23.04.166 - Required Number of Parking Spaces: 2 per dwelling.

Staff Comments: The project meets the minimum parking spaces requirement because it includes a 2-car garage on Quail Lane in addition to maintaining an existing driveway on Bayview Heights Drive.

23.05.104. Driveway Design and Construction: Minimum of 10 feet for driveways less than 50 feet.

Staff Comments: The project complies with this requirement.

Section 23.07.120 - Local Coastal Program. The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan, see below for consistency discussion.

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒ Policy No(s): 1

Coastal Watersheds: ☒ Policy No(s): 7, 8, 10, 11

Visual and Scenic Resources: ☒ Policy No(s): 7

Hazards: N/A

Archeology: ☒ Policy No(s): 1, 4, 6

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION:

Public Works

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line (USL) for which services will be needed consistent with the Resource Management System where applicable.

Staff Comments: The project is within the Los Osos Valley Groundwater Basin. The Board of Supervisors certified a Level of Severity III for the Basin on March 27, 2007. The proposed project is consistent with this policy because the existing residence is already served by community water (Golden State Water Company) and the proposed addition will not result in additional water demand. Additionally, the applicant submitted a confirmation of service letter from Golden State Water Company for the additional bathroom. The project site has an existing on-site wastewater septic system; therefore no wastewater treatment facility capacity is

required. Additionally, the new residence will be subject to Title 19 water conservation measures. These measures require that all plumbing fixtures in the existing residence be in conformance with Title 19, and the spa/hot tub be equipped with a recirculating system and designed to operate without a continuous supply of water. The project is consistent with this policy.

Coastal Watersheds

Policy 7: Siting of new development: Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent.

Staff Comments: The proposed project is consistent with this policy because the new residence will be located on slopes of less than 20 percent.

Policy 8: Timing of new construction: Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff Comments: The proposed project is consistent with this policy because it is conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Staff Comments: The proposed project is conditioned to comply with this policy by requiring a drainage plan (see Condition #8. The drainage plan shall retain water on-site, encourage infiltration when feasible, and retain natural drainage patterns and remediate if retention is infeasible on-site.

Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats.

Staff Comments: The proposed project is conditioned to comply with this policy (condition #8).

Visual and Scenic Resources

Policy 7: Preservation of Tree and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

Staff Comments: The proposed project is consistent with this policy because no native trees are proposed for removal and the project is conditioned to stake, fence and/or flag for protection all existing trees within 25 feet of the project limits.

Archaeology

Policy 1: Protection of Archaeological Resources. The County shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

Staff Comments: The project is not required to obtain an archaeological survey because the small addition is proposed on a previously disturbed area of the site. Additionally, in the event that archaeological resources are unearthed or discovered during construction, the project shall be subject to Condition #13 in Exhibit B.

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Area. Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project.

Staff Comments: The project is not required to obtain an archaeological survey because the small addition is proposed on a previously disturbed area of the site. Additionally, in the event that archaeological resources are unearthed or discovered during construction, the project shall be subject to Condition #13 in Exhibit B.

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities.

Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

Staff Comments: The project is conditioned to comply with this requirement if archaeological resources are discovered during construction.

Other Issues

Staff comments: The project site is located in the community of Los Osos and in the range of the Morro Shoulderband snail, a federally listed endangered species. The Morro Shoulderband Snail normally thrives in coastal dune, coastal dune scrub, and maritime chaparral habitats in and around the community of Los Osos and the Morro Bay Estuary (US Fish and Wildlife Service 2001). The subject site currently has an occupied single family residence and a

concrete patio in the backyard, and no Morro Shoulderband Snails were observed near the area of the addition during a site visit. Staff has determined that the site needs no be further evaluation for potential Morro Shoulderband Snail presence.

COMMUNITY ADVISORY GROUP COMMENTS:

Los Osos Community Advisory Council – The LOCAC recommended approval as part of the consent agenda on June 26, 2014 with no concerns.

AGENCY REVIEW:

Public Works- Comments were received on May 18, 2014.

1. The proposed project is within a drainage review area. Drainage plan will be reviewed at the time of Building Permit submittal by Public Works.
2. The project appears to not meet the applicability criteria for a Stormwater Management (it creates or replaces less than 2500 sf of impervious area). Therefore no Stormwater Control Plan is required.
3. At the time of application for construction permits, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance. All drainage may need to be retained on-site and the design of the basin shall be approved by the Department of Public Works.

The conditions of approval reflect these comments.

Los Osos Community Services District – No comments per an email received on May 28, 2014.

California Coastal Commission – No comments received.

Native American Heritage Commission – No comments received.

Building – Comments were received on May 16, 2014.

1. The project is subject to a construction permit as well as the newly adopted 2013 California Codes.
2. It may be necessary for you to employ the services of a California registered architect or engineer for the design of portions of the project that do not meet "conventional construction" as defined by our current building code.
3. The project may require a full soils report for the design of all building foundations at the time of construction permit application submittal.
4. The project is subject to the California State Title 24 energy laws.
5. Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
6. A fire sprinkler system may be required.

These conditions will be reviewed by the Building Division at the building permit stage of the process.

LEGAL LOT STATUS:

The one existing parcel was legally created by Parcel Map CO 73-16 (Parcel No. 1), a recorded map, at a time when that was a legal method of creating lots.

ATTACHMENTS:

- Attachment 1: Findings
- Attachment 2: Conditions
- Attachment 3: Graphics

Staff report prepared by Morgan Torell and reviewed by Kerry Brown.